
STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 15-05

FOR: DECLARATION OF PUBLIC HEALTH EMERGENCY IN SCOTT COUNTY, INDIANA

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, the Indiana State Department of Health since December of 2014 has confirmed seventy nine (79) positive HIV cases that originated in Scott County; and

WHEREAS, health officials would expect the yearly number of confirmed HIV reported cases in Scott County to be no more than five (5); and

WHEREAS, both the Indiana State Department of Health and the United States Center for Disease Control and Prevention (CDC) have advised this Administration that the HIV outbreak in Scott County is an epidemic; and

WHEREAS, the Indiana State Department of Health has actively responded in Scott County and throughout Indiana in coordination with the CDC, providing additional staff to administer HIV testing and performing contact tracing; and

WHEREAS, the Indiana State Department of Health continues to investigate cases in Scott and other Indiana counties; and

WHEREAS, one hundred percent (100%) of these cases directly relate to intravenous drug use; and

WHEREAS, the HIV virus attacks cells necessary for the human body to fight infection and other diseases; and

WHEREAS, there is no cure for the HIV virus; and

WHEREAS, [IC 10-14-3-1](#)(a) defines disaster as "an occurrence or imminent threat of widespread or severe damage, injury, loss of life or property resulting from any natural phenomenon or human act" including at (b)(22) and (23) respectively "Epidemic" and "Public health emergency"; and

WHEREAS, [IC 10-14-3-12](#)(a) provides in relevant part that "[t]he governor shall declare a disaster emergency by executive order or proclamation if the governor determines that a disaster has occurred or that the occurrence or threat of a disaster is imminent" (emphasis added); and

WHEREAS, [IC 10-14-3-11](#) vests in the governor the authority to "assume direct operational control over all or any part of the emergency management functions within Indiana" including the authority to "[m]ake, amend, and rescind the necessary orders, rules and regulations to carry out this chapter with due consideration of the plans of the federal government"; and

WHEREAS, it is critical to controlling and stopping this epidemic, or any disaster emergency, that health care workers, law enforcement personnel and others involved in the delivery of health services pursuant to this Order be able to function and administer lifesaving health care free from concern about or exposure to legal liability, thus among other powers attendant the office, Indiana law vests the governor with the authority to "[s]uspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder or delay necessary action in coping with the emergency" ([IC 10-14-3-12](#)(d)(1)); and

WHEREAS, Indiana law vests in the governor the authority to "[u]se all available resources of the state government and of each political subdivision of the state reasonably necessary to cope with the disaster" ([IC 10-14-3-12](#)(d)(2)), and the authority to "[t]ransfer the direction, personnel or functions of state departments and agencies or units for performing or facilitating emergency services" ([IC 10-14-3-12](#)(d)(3)); and

WHEREAS, [IC 16-19-3-9](#) provides that the Indiana State Department of Health which reports to the Governor, may "[d]o what is reasonable and necessary for the prevention and suppression of disease."

NOW, THEREFORE, I, Michael R. Pence, Governor of the State of Indiana by virtue of the authority vested in me by the Indiana Constitution and the laws of the State, do hereby:

1. Declare that a public health disaster emergency exists in Scott County, Indiana, attributable to the HIV epidemic in that county.
2. Order all state and local health officials, law enforcement and emergency response agencies, health care providers, and hospitals, whether within Scott County or outside Scott County, including but not limited to: the Indiana State Department of Health, the Indiana Family and Social Services Administration, the Indiana Department of Homeland Security, the Indiana State Police, the Indiana Department of Correction, and the Indiana Department of Administration to cooperate with and assist, as requested, the Indiana State Department of Health and Scott County health and government officials in their response to the public health disaster emergency in Scott County and the implementation of this Order.
3. Order the Indiana State Department of Health to establish a taskforce composed of individuals from the Indiana State Department of Health, the Indiana State Police, the Indiana Department of Correction, the Indiana Family and Social Services Administration, and local partners to accomplish the following:
 - A. Coordinate Efforts – Coordinate testing, treatment, coverage, outreach, and enforcement with state, federal and local agencies;
 - B. Health Coverage Enrollment Assistance – Provide enrollment assistance to individuals and local agencies for health coverage sign up including but not limited to Medicaid and HIP 2.0;
 - C. Testing Support – Encourage and support testing and screening by local health care providers in Scott and surrounding counties;
 - D. Harm Prevention – Provide education and technical support with respect to harm prevention, disease containment, and medical pharmaceutical treatment;
 - E. Physician/Medical Personnel Recruitment – Develop efforts to recruit and train physicians and other medical personnel to assist in controlling and stopping the epidemic.
4. Order the Indiana State Department of Health, in coordination with such other agencies as may be necessary, to establish and operate an incident command center in Scott County to coordinate services and messages pursuant to this Order.
5. Order, under the guidance of the Indiana State Department of Health, the addition of more Disease Intervention Specialists to assist with testing and contact tracing.
6. Order, under the guidance of the Indiana State Department of Health, acquisition of a stock of testing kits and adequate transportation for delivery of samples to proper labs.
7. Order and provide, under the guidance of the Indiana State Department of Health, resources for and coordination of testing inmates in the custody of the Scott County Jail.
8. Authorize the Indiana State Department of Health and any other agency of the State of Indiana to seek and accept any funding or other resources from any entity, governmental or private, to control and stop this epidemic.
9. Order the Indiana State Department of Health to use the media, advertising, social media and such other means as it deems appropriate and effective to inform the public of the risks associated with intravenous drug use and the availability of disease treatment options.
10. Authorize Scott County health, safety, law enforcement and local officials to take such actions as are reasonably necessary in their professional discretion and judgment to respond to the HIV epidemic and implement this Order.
11. For the sole purpose of suppressing the HIV epidemic in Scott County, authorize the Scott County Board of Health (Board) through official Board action to submit a request to the Indiana State Health Commissioner for permission to design and administer a limited and focused short-term needle exchange program. The Board shall implement any such program under the approval and supervision of the Indiana State Department of Health only to the degree and extent medically necessary to suppress the HIV epidemic in Scott County, and only for the duration of this Order.

12. Suspend, pursuant to [IC 10-14-3-12\(d\)\(1\)](#) and [IC 16-19-3-9](#), for the duration of this Order only, application of [IC 16-42-19-18](#), [IC 35-48-4-8.5\(a\)\(1\)](#), [IC 35-48-4-8.3\(a\)\(1\)](#) and any other state or local law, rule, ordinance or provision that would subject any person or entity administering or participating in the limited and focused short-term needle exchange program described in #11 above, to any criminal or civil liability, or any other sanction, loss or forfeiture for any use or possession of any materials potentially identified as illegal by any of the above referenced statutes, laws, rules or ordinances and necessary to implement the short-term needle exchange program.

13. Order the Indiana State Department of Health to provide the Office of the Governor and the Indiana Department of Homeland Security regular and timely updates of all relevant data and information with respect to the progress of various agencies in responding to the Scott County HIV epidemic; the number of new cases, if any, both in Scott County and elsewhere; estimated duration of the emergency; additional resources needed; and any other relevant information.

14. Order all other executive branch agencies, instrumentalities and personnel of the State of Indiana to assist in the execution of this Order, provided however, that no state agency or person acting in the name of any state agency may spend or make any commitment to spend or obligate any funds that are not appropriated for such purposes.

15. Order that this Executive Order and declaration of a public health disaster emergency in Scott County, unless extended, shall expire thirty (30) days from the date below.

It is so ordered.

IN TESTIMONY WHEREOF, I, Michael R. Pence, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 26th day of March, 2015.

Michael R. Pence
Governor of Indiana

SEAL

ATTEST: Connie Lawson
Secretary of State

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